

Notice of Allowability

Application No.

09/900,927

Applicant(s)

REPP ET AL.

Examiner

Art Unit

Lynda M Salvatore

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 5th, 2003.
2. ☒ The allowed claim(s) is/are 21-23,26,28,29,31,32,34-37,39 and 67-102.
3. ☒ The drawings filed on 09 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____. | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks transmitted via fax on September 5th, 2003, have been carefully considered and entered. Independent claims 21, 67, and 86 and dependent claims 22, 23, 26, 28, 29, 31, 32, 34-37, 68-85, and 87-102 have been amended as requested.

2. Applicant's amendments and accompanying remarks with regard to claims 67, 84, 86 and 102 are found sufficient to overcome the claim objections and rejections under 35 U.S.C. 112, second paragraph as set forth in sections 6-12 of the Office Action dated August 15th, 2003. Therefore, these objections and rejections are withdrawn. In addition, Applicant's amendments to claims 87-102 are found sufficient to overcome the 35 U.S.C. 112, first paragraph rejection set forth in section 13 of the Office Action dated August 15th, 2003. Thus, this rejection is withdrawn. Applicant's amendments are also found to overcome the rejection under 35 U.S.C. 102(b) set forth in section 15 of the Office Action dated August 15th, 2003. Thus, this rejection is withdrawn. However, despite its advance Applicant's amendments are not found to be sufficiently clear to patentably distinguish claims 21-23, 26, 28, 29, 31, 32, and 34-37 over the prior art of record. Specifically, the amendment to claim 21 does not render this claim definite.

3. As set forth in section 16 of the Office Action dated August 15th, 2003, independent claim 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph set forth in section 8 of the Office Action dated August 15th, 2003. Accordingly, during a telephone interview with John Lazarus, on September 17th, 2003

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Lazarus on September 17th, 2003.

2. IN THE CLAIMS

In claim 21, beginning on line 14, after the word "by" delete - -an adhesive connection at the opposing faces that is removable- - and replace with "the adhesive at the opposing faces, wherein the adhesive is removable from the quilt"

In claim 28, at the end of line 1, after the word "adhesive" insert ", provides a" and on line 2, after the word "connection" delete - - is- -

In claim 37, on line 1, after the word "claim" delete - -21- - and replace with "28"

Cancel non-elected claims 41-66

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an agreement to re-write claim 21 such that it overcomes the said 35 U.S.C. 112, second paragraph rejection was reached and will be set forth in an Examiners amendment.


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ls 
September 21st, 2003


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700